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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,646	09/27/2000	Larry A. Brocius	EN999-069	7162

30743 7590 09/14/2006

WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

EXAMINER

LERNER, MARTIN

ART UNIT PAPER NUMBER

2626

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/670,646

Applicant(s)

BROCIOUS ET AL.

Examiner

Martin Lerner

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 to 2 and 11 to 13 is/are rejected.
- 7) ☒ Claim(s) 3 to 10 and 14 to 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reopen Prosecution/Withdrawal of Final Rejection

1. In view of the Appeal Brief filed on 25 April 2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the Application, Appellants must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office Action is non-final) or a reply under 37 CFR 1.113 (if this Office Action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then Appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 11, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Logan et al.* in view of *Baker et al.*

Concerning independent claim 1, *Logan et al.* discloses a system for controlling an audio player with voice commands for program segments stored on an FTP server by a location designated with a URL field, comprising:

“a context-based audio queue ordered based on contents of a page being audibly read by the multi-modal browser to a user” – information available in text form from news sources, libraries, etc. may be converted to compressed audio format by conventional speech synthesis; host server 101 stores web page data 141 which is made available to player 103 by means of the HTML interface 128 (“contents of a page being audibly read by the multi-modal browser to the user”) (column 5, lines 16 to 45: Figure 1); each voice or text program segment preferably includes a sequencing file which contains the identification of highlighted passages and hypertext anchors within the program content (column 5, lines 6 to 15: Figure 5); a selections file 351 is a stack mechanism (“context-based audio queue”) containing ProgramID numbers of a program segment for hyperlinked material (column 30, lines 20 to 66: Figure 5);

“a store for storing a current context of the audio queue” – a CurrentPlay register (“current context”) holds the record number of the particular Selection_Record for any given moment (column 33, lines 29 to 50; column 30, lines 20 to 66: Figure 5);

“a speech recognition engine for recognizing [and registering] voice commands, wherein said speech recognition engine compares a current audio context with the context associated with a voice command and causes the browser to perform an action based on the comparison” – microphone input device 111 accepts voice commands from a user; player mechanism 103 includes a microphone for accepting voice commands (“a speech recognition engine for recognizing”) (column 3, lines 32 to 37; column 12, lines 50 to 58); if the user issues a “Go” command, the player will execute a hyperlink jump to the location indicated by the last record “L” in the selection file 351 (“causes the browser to perform an action based on the comparison”); whenever the listener issues a “Return” command, the previously pushed selection file record location is popped from the stack 390 and returned to the CurrentPlay register 353 (column 35, lines 1 to 15: Figure 5); thus, a voice command is performed to listen to a record associated with a hyperlink based on a record in CurrentPlay register 353 or a Selection_Record in a stack of selections file 351 (“compare current audio context with the context associated with a voice command”).

Concerning independent claim 1, the only element omitted by *Logan et al.* is a speech recognition engine for “registering commands”. *Logan et al.* discloses a speech recognition engine for recognizing commands, but does not disclose that new commands can be registered. However, *Baker et al.* teaches a system and method for

adding speech recognition capabilities to Java. Dynamic modification of contents of a grammar structure is a valuable advantage where the context encountered by a speech engine is unpredictable, as in browsing the World Wide Web, and allows a speech recognition server to augment the language of the speech engine to fit the context of the application encountered. (Column 2, Lines 40 to 50) Grammars may be “enabled” or “disabled” to augment language of a speech engine to fit the context of an application encountered. (Column 6, Lines 25 to 51) An application performs any action taken in response to a command, where the action taken depends on a function of a particular application receiving the result. (Column 3, Lines 24 to 32) Thus, dynamic modification of a grammar structure adds new speech recognition capabilities, and permits an application to recognize new commands. It would have been obvious to one having ordinary skill in the art to register new commands by enabling and disabling grammars as taught by *Baker et al.* in a system for playing hyperlinked audio content of *Logan et al.* for a purpose of allowing a dynamic modification of grammar structures to fit an unpredictable context of an application.

Concerning independent claim 12, *Logan et al.* discloses a method for controlling an audio player with voice commands for program segments stored on an FTP server by a location designated with a URL field, comprising:

“building a context-based audio queue based on the contents of markup language page being audibly read by the multi-modal browser to a user” – information available in text form from news sources, libraries, etc. may be converted to

compressed audio format by conventional speech synthesis; host server 101 stores web page data 141 which is made available to player 103 by means of the HTML interface 128 ("contents of markup language page being audibly read by the multi-modal browser to the user") (column 5, lines 16 to 45: Figure 1); each voice or text program segment preferably includes a sequencing file which contains the identification of highlighted passages and hypertext anchors within the program content (column 5, lines 6 to 15: Figure 5); a selections file 351 ("context-based audio queue") is a stack mechanism containing ProgramID numbers of a program segment for hyperlinked material (column 30, lines 20 to 66: Figure 5);

"storing a current context of the audio queue" – a CurrentPlay register ("current context") holds the record number of the particular Selection_Record for any given moment (column 33, lines 29 to 50: Figure 5);

"recognizing [and registering] voice commands, wherein the current audio context is compared with a voice command, thereby causing the multi-modal browser to perform an action based on the comparison" – microphone input device 111 accepts voice commands from a user; player mechanism 103 includes a microphone for accepting voice commands ("recognizing . . . voice commands") (column 3, lines 32 to 37; column 12, lines 50 to 58); if the user issues a "Go" command, the player will execute a hyperlink jump to the location indicated by the last record "L" in the selection file; whenever the listener issues a "Return" command, the previously pushed selection file record location is popped from the stack 390 and returned to the CurrentPlay register 353 ("thereby causing the multi-modal browser to perform an action") (column

35, lines 1 to 15: Figure 5); thus, a voice command is performed to listen to a record associated with a hyperlink based on a record in CurrentPlay register 353 or a Selection_Record in a stack of selections file 351 ("wherein the current audio context is compared with a voice command").

Concerning independent claim 12, the only element omitted by *Logan et al.* is "registering" voice commands. *Logan et al.* discloses a speech recognition engine for recognizing commands, but does not disclose that new voice commands can be registered. However, *Baker et al.* teaches a system and method for adding speech recognition capabilities to Java. Dynamic modification of contents of a grammar structure is a valuable advantage where the context encountered by a speech engine is unpredictable, as in browsing the World Wide Web, and allows a speech recognition server to augment the language of the speech engine to fit the context of the application encountered. (Column 2, Lines 40 to 50) Grammars may be "enabled" or "disabled" to augment language of a speech engine to fit the context of an application encountered. (Column 6, Lines 25 to 51) An application performs any action taken in response to a command, where the action taken depends on a function of a particular application receiving the result. (Column 3, Lines 24 to 32) Thus, dynamic modification of a grammar structure adds new speech recognition capabilities, and permits an application to recognize new commands. It would have been obvious to one having ordinary skill in the art to register new commands by enabling and disabling grammars as taught by *Baker et al.* in a system for playing hyperlinked audio content of *Logan et al.* for a

purpose of allowing a dynamic modification of grammar structures to fit an unpredictable context of an application.

Concerning claims 2 and 13, *Logan et al.* discloses the Program_Segments record URL field specifies the location file containing the program segment in the file storage facility 304 (column 17, line 62 to column 18, line 16: Figure 4); thus, the user listens to audio segments as stored resources based on URLs.

Concerning claim 11, *Logan et al.* discloses the host server stores web page data 141 by means of an HTML interface (column 5, lines 32 to 35: Figure 1); HTML web server 129 presents HTML program selection forms (column 8, lines 48 to 60); narrative text is presented in the interactive, multimedia format expressed in the first instance using essentially conventional hypertext markup language (column 43, lines 15 to 60: Figure 7).

Allowable Subject Matter

4. Claims 3 to 10 and 14 to 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicants' arguments filed 25 April 2005 in the Appeal Brief have been considered but are moot in view of the new grounds of rejection.

Applicants' argument that *Logan et al.* fails to disclose registering new commands is addressed by the new grounds of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

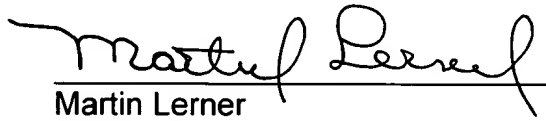
Monaco et al., Rozak et al., and Richards disclose prior art relating to adding new command capabilities for speech recognition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML
9/7/06



Martin Lerner
Examiner
Group Art Unit 2626



DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800